

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND EARL BOYD,

Plaintiff,

Case No. 21-11926

v.

Honorable Nancy G. Edmunds

EDWARD NYQUIST, CHRISTOPHER
LAIRD, JOHN KLAPISH, WILLIAM
HENDERSON, and ALLAN SCHOTT,

Defendants.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
OCTOBER 4, 2022 REPORT AND RECOMMENDATION [32]**

This is a pro se prisoner civil rights lawsuit filed under 42 U.S.C. § 1983 by Plaintiff Raymond Earl Boyd for alleged violations of the Eighth Amendment. (ECF No. 1.) A number of the named defendants were dismissed from this case upon initial screening of the complaint, (ECF No. 5), but Defendants Edward Nyquist, Christopher Laird, John Klapish, William Henderson, and Allan Schott remain. The case has been referred to Magistrate Judge Kimberly G. Altman for all pre-trial matters. (ECF No. 12.) Before the Court is the Magistrate Judge's report and recommendation to grant in part and deny in part Defendants' motion for summary judgment on the basis of exhaustion. (ECF No. 32.) No party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *See Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at *2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Nonetheless, the Court has reviewed the matter and agrees with the Magistrate Judge's recommendation. The Court, therefore, ACCEPTS AND ADOPTS the report and recommendation (ECF No. 32). Accordingly,

Defendants' motion for summary judgment (ECF No. 16) is GRANTED IN PART and DENIED IN PART. This case proceeds against Defendants Nyquist, Laird, and Klapish, but Defendants Henderson and Schott are DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: October 25, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 25, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager